

NOT FOR PUBLICATION

OCT 07 2004

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

MANUEL SILVA,

Plaintiff - Appellant,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; et al.

Defendants - Appellees.

No. 03-16003

D.C. No. CV-S-01-0442-LRH-
LRL

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Argued and Submitted October 4, 2004
San Francisco, California

Before: MESKILL,** TROTT, and McKEOWN, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Thomas J. Meskill, Senior Judge for the United States Court of Appeals for the Second Circuit, sitting by designation.

Manuel Silva appeals the district court's granting of the motion for summary judgment of the Las Vegas Metropolitan Police Department ("Metro") and individual officers named as defendants (the "Defendant Officers"). Silva brought claims under 42 U.S.C. § 1983 against the Defendant Officers as individuals and Metro as a municipality, alleging that the Defendant Officers violated his Fourth Amendment rights by conducting an unreasonable search and seizure and by using excessive force against him. In addition, Silva brought tort claims under Nevada state law. See Nev. Rev. Stat. 41.032. We have jurisdiction under 28 U.S.C. § 1291.

We affirm for the reasons set out by the district judge in his order granting summary judgment dated May 12, 2003.

AFFIRMED.